

AMENDED IN ASSEMBLY JULY 22, 1997

AMENDED IN ASSEMBLY JULY 7, 1997

AMENDED IN SENATE MAY 20, 1997

AMENDED IN SENATE MAY 1, 1997

SENATE BILL

No. 675

Introduced by Senator Costa

February 25, 1997

An act to amend, repeal, and add Section 41705 of the Health and Safety Code, and to amend and repeal Section 43209.1 of the Public Resources Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 675, as amended, Costa. Air pollution: odors.

Existing law prohibits the discharge of any air contaminant or other material that causes injury, detriment, nuisance, or annoyance to, or that endangers, a considerable number of persons or the public. Existing law, *until October 16, 1997*, exempts from that prohibition, ~~until October 16, 1997~~, odors emanating directly from a facility or operations that produce, manufacture, or handle compost, as defined, *and requires an air pollution control district or air quality management district that receives a complaint regarding such an odor to refer the complaint as soon as feasible to an enforcement agency for action pursuant to the California Integrated Waste Management Act of 1989.*

This bill would extend that exemption ~~for a specified 4-year period~~ until 4 years after the effective date of the bill, require the districts to report those complaints to an enforcement agency within 24 hours or by the next working day, and require the California Integrated Waste Management Board, on or before April 1, 1998, to convene a working group, as prescribed, to assist in the implementation of the exemption. The bill would require the board and the working group to take specified actions by April 1, 1999.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41705 of the Health and Safety
2 Code, as amended by Section 2.1 of Chapter 952 of the
3 Statutes of 1995, is amended to read:
4 41705. (a) Section 41700 shall not apply to odors
5 emanating from any of the following:
6 (1) Agricultural operations necessary for the growing
7 of crops or the raising of fowl or animals.
8 (2) Operations that produce, manufacture, or handle
9 compost, as defined in Section 40116 of the Public
10 Resources Code, provided that the odors emanate
11 directly from the compost facility or operations.
12 (3) Operations that compost green material or animal
13 waste products derived from agricultural operations, and
14 that return similar amounts of the compost produced to
15 that same agricultural operations source, or to an
16 agricultural operations source owned or leased by the
17 owner, parent company, or subsidiary conducting the
18 composting operation. The composting operation may
19 produce an incidental amount of compost not exceeding
20 2,500 cubic yards of compost, which may be given away
21 or sold annually.
22 (b) If a district receives a complaint pertaining to an
23 odor emanating from a compost operation exempt from
24 Section 41700 pursuant to paragraph (2) or (3) of

1 subdivision (a), that is subject to the jurisdiction of an
2 enforcement agency under Division 30 (commencing
3 with Section 40000) of the Public Resources Code, the
4 district shall, within 24 hours or by the next working day,
5 refer the complaint to the enforcement agency.

6 (c) This section shall become inoperative on the date
7 that is four years from the effective date of this section,
8 as amended by the act adding this subdivision, and, as of
9 January 1, 2002, is repealed, unless a later enacted statute,
10 that becomes operative on or before that date, deletes or
11 extends the dates on which it is inoperative and is
12 repealed.

13 SEC. 2. Section 41705 is added to the Health and
14 Safety Code, to read:

15 41705. (a) Section 41700 does not apply to odors
16 emanating from agricultural operations that are
17 necessary for the growing of crops or the raising of fowl
18 or animals.

19 (b) This section shall become operative on the date
20 that is four years from the effective date of the act adding
21 this section, unless a later enacted statute, that becomes
22 operative on or before that operative date, deletes or
23 delays that operative date.

24 SEC. 3. Section 43209.1 of the Public Resources Code
25 is amended to read:

26 43209.1. (a) Notwithstanding any other provision of
27 law, if an enforcement agency receives a complaint,
28 pursuant to subdivision (b) of Section 41705 of the Health
29 and Safety Code, from an air pollution control district or
30 an air quality management district pertaining to an odor
31 emanating from a compost facility under its jurisdiction,
32 the enforcement agency shall, *in consultation with the*
33 *district*, take appropriate enforcement actions pursuant
34 to this part.

35 (b) On or before April 1, 1998, the board shall convene
36 a working group consisting of enforcement agencies and
37 air pollution control districts and air quality management
38 districts to assist in the implementation of this section and
39 Section 41705 of the Health and Safety Code. ~~The~~ *On or*
40 *before April 1, 1999, the* board and the working group

1 shall develop recommendations on odor measurement
2 and thresholds, complaint response procedures, and
3 enforcement tools and take any other action necessary to
4 ensure that enforcement agencies respond in a timely
5 and effective manner to complaints of odors emanating
6 from composting facilities.

7 (c) This section shall become inoperative on the date
8 that is four years from the effective date of of the act
9 adding subdivision (b), and, as of January 1, 2002, is
10 repealed, unless a later enacted statute, that becomes
11 operative on or before that date, deletes or extends the
12 dates on which it becomes inoperative and is repealed.

13 SEC. 4. This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or
15 safety within the meaning of Article IV of the
16 Constitution and shall go into immediate effect. The facts
17 constituting the necessity are:

18 In order to maintain continuity in achieving the
19 purposes of the California Integrated Waste
20 Management Act of 1989, it is necessary that this act take
21 effect immediately.

